

SIXTY-NINTH DAY

(Tuesday, May 25, 1965)

The Senate met at 2:00 o'clock p.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Kennard
Bates	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word
Kazen	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with, and the Journal was approved.

Message From the House

Hall of the House of Representatives
Austin, Texas,
May 25, 1965.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 1181, A bill to be entitled "An Act amending Article 7.06, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as added; levying an additional tax on cigarettes; providing an effective date; and declaring an emergency."

S. C. R. No. 119, Correcting S. B. No. 314.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk House of Representatives

House Bill 753 Re-referred

On motion of Senator Cole and by unanimous consent H. B. No. 753

was withdrawn from the Committee on State Affairs and re-referred to the Committee on Education.

House Bills on First Reading

The following bills received from the House, were read the first time and referred to the committee indicated:

H. B. No. 1168, To the Committee on Counties, Cities and Towns.

H. B. No. 1181, To the Committee on State Affairs.

(Senator Aikin in the Chair.)

Senate Resolution 754

Senator Herring offered the following resolution:

Whereas, Dam B State Park, situated in Jasper and Tyler counties, is nearing completion, and

Whereas, It is already being acclaimed as one of the most beautiful and attractive parks of the state, and

Whereas, This park is due to bring much pleasure and happiness to countless numbers of traveling Texans and other Americans, and

Whereas, It will definitely enhance the quality of Texas as a tourist attraction, helping boost the state's economy, and

Whereas, Our distinguished colleague, Senator Martin Dies, Jr., has been the moving force in the creation of this park, and

Whereas, Without the tireless and effective efforts of Senator Dies to obtain proper financial support, this significant addition to our parks system would still be only a dream instead of a reality, now, therefore

Be It Resolved, That the Senate of Texas go on record as strongly recommending to the Parks and Wildlife Commission that Dam B State Park be renamed the Martin Dies, Jr., State Park.

HERRING
LIEUTENANT
GOVERNOR
PRESTON
SMITH
RICHTER
KENNARD
AIKIN
COLSON
CREIGHTON
HARDEMAN
PATMAN

HARRINGTON
MOORE
HAZLEWOOD
CALHOUN
REAGAN
SNELSON
KRUEGER
SCHWARTZ
STRONG
KAZEN
HALL
WORD
BATES
PARKHOUSE
SPEARS
COLE
ROGERS
RATLIFF
WATSON
HIGHTOWER
BLANCHARD
CRUMP

The resolution was read and was adopted.

Senator Dies expressed appreciation to the Members of the Senate for the kind remarks in the resolution and for the great honor bestowed upon him.

Senate Resolution 755

Senator Hightower offered the following resolution for Senator Aikin:

Be It Resolved, By the Senate that Jim Solomon be appointed an honorary page for today.

The resolution was read and was adopted.

Senator Aikin (who was presiding at the time) presented Young Jim Solomon of Mt. Vernon to the Members of the Senate.

Senator Aikin also presented Mrs. Neal Solomon and daughter of Mt. Vernon to the Members of the Senate.

(President in the Chair.)

Conference Committee Report on Senate Bill 107

Senator Hardeman submitted the following Conference Committee Report on S. B. No. 107:

Austin, Texas,
May 25, 1965.

Hon. Preston Smith, President of the Senate.

Hon. Ben Barnes, Speaker of the House of Representatives.

Sirs: We, your Conference Committee appointed to adjust the differences between the House and Senate on Senate Bill No. 107 have met and adjusted our differences and beg leave to recommend that Senate Bill No. 107 be passed in the form attached hereto.

Respectfully submitted,

HARDEMAN
BATES
BLANCHARD
MOORE
DIES

On the Part of the Senate.

MANN
NUGENT
KNAPP
ARMSTRONG
TOWNSEND

On the part of the House

The Committee Report was read.

Senator Moore called for a full reading of S. B. No. 107.

On motion of Senator Blanchard and by unanimous consent, the full reading of S. B. No. 107 was dispensed with.

(Pending discussion by Senator Hardeman of S. B. No. 107, Senator Word occupied the Chair.)

Question — Shall the Conference Committee Report on S. B. No. 107 be adopted?

House Bill 468 Re-referred

On motion of Senator Spears and by unanimous consent H. B. No. 468 was withdrawn from the Committee on Privileges and Elections and re-referred to the Committee on Counties, Cities and Towns.

House Bill 539 Re-referred

On motion of Senator Cole and by unanimous consent H. B. No. 539 was withdrawn from the Committee on State Affairs and re-referred to the Committee on Counties, Cities and Towns.

Reports of Standing Committees

Senator Ratliff submitted the following reports:

Austin, Texas,
May 25, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Coun-

ties, Cities and Towns, to which was referred H. B. No. 1168, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

Austin, Texas,

May 25, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 1089, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

Senator Moore submitted the following report:

Austin, Texas,

May 25, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Education, to which was referred H. B. No. 736, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOORE, Chairman.

Senator Ratliff submitted the following report:

Austin, Texas,

May 25, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 1060, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

House Bill 1168 Ordered Not Printed

On motion of Senator Spears and by unanimous consent H. B. No. 1168 was ordered not printed.

Message From the House

Hall of the House of Representatives

Austin, Texas,

May 25, 1965.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 470, A bill to be entitled "An Act amending Chapter 314, Acts of the 41st Legislature, Regular Session, 1929, as amended (Codified as Article 911b, Vernon's Texas Civil Statutes), and known as the 'Motor Carrier Act,' by amending Section 1 (g) relating to transportation of property between contiguous municipalities and within certain commercial zones; repealing all laws in conflict herewith; and declaring an emergency."

(With amendments.)

Respectfully submitted,

DOROTHY HALLMAN,

Chief Clerk House of Representatives

Conference Committee on House Bill 332

Senator Kennard called from the President's Table for consideration at this time, the request of the House for a Conference Committee to adjust the differences between the two Houses on H. B. No. 332 and moved that the request be granted.

The motion to grant the request prevailed.

Accordingly, the President announced the appointment of the following as a Conference Committee on the part of the Senate on H. B. No. 332: Senators Kennard, Bates, Moore, Rogers and Snelson.

Message From the House

Hall of the House of Representatives

Austin, Texas,

May 25, 1965.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 117, In memory of Thomas Jefferson Holbrook.

Respectfully submitted,

DOROTHY HALLMAN,

Chief Clerk House of Representatives

(Senator Word in the Chair.)

Report of Standing Committee

Senator Moore by unanimous consent submitted the following report:

Austin, Texas,
May 25, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Education, to which was referred H. B. No. 753, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOORE, Chairman.

Conference Committee Report on House Bill 1103

Senator Krueger submitted the following Conference Committee Report on H. B. No. 1103:

Austin, Texas,
May 23, 1965.

Hon. Preston Smith, President of the Senate;

Hon. Ben Barnes, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on H. B. No. 1103, have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

KRUEGER
REAGAN
RICHTER
HERRING
CREIGHTON

On the part of the Senate.

GUFFEY
ROBERTS
HARING
CHERRY
McDONALD

On the part of the House.

H. B. No. 1103,

A BILL

To Be Entitled

AN ACT abolishing the office of county superintendent of schools in counties having a population of not less than 38,152 inhabitants and not more than 38,252 inhabitants, according to the last preceding Federal Census; providing the duties of county school superintendent shall be performed by the county judge as ex officio county school superintendent; providing for his compensation; providing for clerical

assistance; providing for office and traveling expense; making other provisions relating to the subject; providing a repealing clause; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. The office of county superintendent of schools in all counties having a population of not less than 38,152 inhabitants nor more than 38,252 inhabitants, according to the last preceding Federal Census, is hereby abolished. From and after the effective date of this Act; the duties of the office of county school superintendent shall be performed by the county judge as ex officio county school superintendent.

Sec. 2. In all counties governed by the provisions of Section 1 of this Act, the county judges as ex officio county school superintendents may receive and retain for their services in performing the duties of county school superintendent compensation of not more than One Thousand, Five Hundred Dollars (\$1,500) per year, payable in equal monthly installments. Said compensation shall be fixed and determined by the county board of school trustees.

Sec. 3. County judges governed by the provisions of Section 1 of this Act are authorized, with the consent of the county board of school trustees, to appoint one clerical assistant. Said assistant shall be paid a salary not to exceed Two Thousand Dollars (\$2,000) per year, payable in twelve equal monthly installments. Said compensation shall be fixed and determined by the county board of school trustees.

Sec. 4. The county board of school trustees in counties governed by the provisions of this Act is hereby authorized to provide for office and traveling expenses of the county judge when performing the duties as ex officio county school superintendent; providing, however, that such office and traveling expenses shall never exceed the sum of Eight Hundred Dollars (\$800) in any one year.

Sec. 5. All expenditures made pursuant to the provisions of this Act shall be paid from the State Available School Fund in the manner provided by law.

Sec. 6. No provision of this Act shall affect the term of office of the

county superintendents of schools holding such office on the effective date of this Act, and such county school superintendents shall serve until the expiration of the terms for which they were elected. Provided, however, if a vacancy occurs in the office of county school superintendent, said office shall immediately cease to exist and the duties of said office shall be performed by the county judge of said county, as ex officio county school superintendent.

Sec. 7. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed to the extent of conflict only.

Sec. 8. The fact that the office of county school superintendent in counties governed by the provisions of this Act should be abolished and said duties be performed by the county judge as ex officio county school superintendent, and the crowded conditions of the calendar, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The Conference Committee Report was read and was adopted.

Message From the House

Hall of the House of Representatives
Austin, Texas,
May 25, 1965.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 1182, An Act concerning payment and administration of the Inheritance Tax; amending Acts 1959, 56th Legislature, Chap. 1, 3rd C. S., being Chapter 14, Title 122A, "Taxation—General" of the Revised Civil Statutes of Texas, as amended; providing for a new Article 1.032 to Chapter 1 of said Title 122A (Deficiency Determination and Redetermination); repealing Chapter 15 of said Title 122A; repealing that part of Acts 1933, 43rd Legislature, Ch. 193, as amended, being Art. 107a and Art. 107b, Vernon's Annotated Penal Code of Texas (Inheritance Tax Reports) and Acts 1923, 2nd C. S., p.

67, being Art. 140 of said Penal Code (Inheritance Tax Reports); repealing certain Articles of said Chapter 14; making no other changes in any other Chapters of said Title 122A and levying no new taxes; providing a savings clause; providing a severability clause; providing for an effective date; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk House of Representatives

(President in the Chair.)

Conference Committee Report on Senate Bill 107

The Senate resumed the consideration of the Conference Committee Report on S. B. No. 107.

Question—Shall the Conference Committee Report on S. B. No. 107 be adopted?

Senator Hardeman moved that the Conference Committee Report on S. B. No. 107 be adopted.

Senator Watson moved as a substitute motion that the Conference Committee Report on S. B. No. 107 be not adopted and that a new Conference Committee be appointed to adjust the differences between the two Houses on S. B. No. 107.

Question, first on the substitute motion by Senator Watson that the Conference Committee Report on S. B. No. 107 be not adopted and a new Conference Committee be appointed to adjust the differences between the two Houses, the motion prevailed.

The President announced the appointment of the following as a Conference Committee on the part of the Senate on S. B. No. 107: Senators Hardeman, Bates, Blanchard, Dies and Moore.

House Bills on First Reading

The following bills received from the House, were read the first time and referred to the committees indicated:

H. B. No. 1182, To the Committee on State Affairs.

H. B. No. 968, To the Committee on Education.

Reports of Standing Committees

Senator Moore by unanimous consent submitted the following report:

Austin, Texas,
May 25, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Education, to which was referred H. B. No. 968, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended, and be printed.

MOORE, Chairman.

Senator Ratliff by unanimous consent submitted the following reports:

Austin, Texas,
May 25, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 539, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

Austin, Texas,
May 25, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 468, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended, and be printed.

RATLIFF, Chairman.

House Bill 968-Ordered Not Printed

On motion of Senator Moore and by unanimous consent H. B. No. 968 was ordered not printed.

Bills Signed

The President signed in the presence of the Senate, after the captions had been read, the following enrolled bills:

S. B. No. 278, A bill to be entitled "An Act creating the County Court at Law No. 4, of Bexar County, Texas; providing for its jurisdiction, terms, personnel, administration, and

practice; abolishing the County Civil Court at Law of Bexar County, Texas; repealing Chapter 114, Acts of the 58th Legislature, 1963; and declaring an emergency."

S. B. No. 500, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas known as 'Cardinal Meadows Improvement District'; etc., and declaring an emergency."

S. B. No. 536, A bill to be entitled "An Act providing for the dissolution of Harris County Water Control and Improvement District No. 65; containing other provisions relating to the subject; providing a severability clause and declaring an emergency."

S. B. No. 77, A bill to be entitled "An Act amending Section 3, Chapter 436, Acts of the 45th Legislature, Regular Session, 1937, as amended, and adding a new section to the Act so as to revise the list of boilers exempt from the Act or from certain sections thereof; and declaring an emergency."

House Bill 532 Re-referred

On motion of Senator Blanchard and by unanimous consent H. B. No. 532 was withdrawn from the Committee on State Affairs and re-referred to the Committee on Counties, Cities and Towns.

Reports of Standing Committees

Senator Ratliff by unanimous consent submitted the following report:

Austin, Texas,
May 25, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 532, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

Senator Parkhouse by unanimous consent submitted the following report:

Austin, Texas,
May 25, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water

and Conservation, to which was referred H. B. No. 1163, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

**House Concurrent Resolution 30
on Second Reading**

Senator Parkhouse asked unanimous consent to suspend the regular order of business and take up H. C. R. No. 30 for consideration at this time.

There was objection.

Senator Parkhouse then moved to suspend the regular order of business and take up H. C. R. No. 30 for consideration at this time.

The motion prevailed by the following vote:

Yeas—24

Aikin	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hall	Rogers
Hardeman	Snelson
Hazlewood	Strong
Herring	Watson
Hightower	Word

Nays—6

Bates	Kazen
Cole	Kennard
Harrington	Schwartz

Absent

Spears

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 30, Memorializing Congress to continue in effect Section 14(b) of the Taft-Hartley Act.

The resolution was read.

Senator Kennard offered the following amendment to the resolution:

Amend H. C. R. No. 30 by adding the following words to the last para-

graph "and to the President of the United States."

**KENNARD
SCHWARTZ**

The amendment was read.

Question—Shall the amendment by Senator Kennard to H. C. R. No. 30 be adopted?

Message From the House

Hall of the House of Representatives
Austin, Texas,
May 25, 1965.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 13, A bill to be entitled "An Act changing the name of the Board of Regents of the State Teachers' Colleges to 'Board of Regents, State Senior Colleges,' enlarging the jurisdiction of the present Board; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 140, A bill to be entitled "An Act to amend House Bill 374, Acts of the 54th Legislature, Regular Session, 1955, Chapter 427, as amended, codified as Article 3883i, Vernon's Civil Statutes, so as to authorize the Commissioners Court in each county in the State of Texas to increase the maximum compensation of each officer enumerated in House Bill 374, in an additional amount not to exceed thirty per cent (30%) of the maximum sum authorized by House Bill 374, as amended; providing further that the compensation of no official governed by the provisions of House Bill 374, as amended, shall be set at a figure lower than that actually paid on the effective date of this Act; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk House of Representatives

House Bill 1163 Ordered Not Printed

On motion of Senator Bates and by unanimous consent H. B. No. 1163 was ordered not printed.

**Text of Conference Committee Report
on Senate Bill 167 Ordered
Not Printed in Journal**

On motion of Senator Hardeman

and by unanimous consent the text of S. B. No. 107 was ordered not printed in the Senate Journal in view of the action taken on the bill today.

Message From the House

Hall of the House of Representatives
Austin, Texas,
May 25, 1965.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 151, Suspending the Joint Rules to consider House Bill No. 1182.

H. C. R. No. 152, Suspending the Joint Rules so that either House may take up and consider House Bill No. 1181 at any time.

H. B. No. 288, A bill to be entitled "An Act relating to mandatory stops for certain vehicles at railroad grade crossings on farm-to-market roads; amending Chapter 421, Acts of the 50th Legislature, 1947; and declaring an emergency."

H. B. No. 297, A bill to be entitled "An Act making it unlawful to maintain a swimming pool upon the premises of an apartment, motel or hotel, which is rented or leased to the public, unless the pool is enclosed with a fence at least four (4) feet in height; and declaring an emergency."

S. C. R. No. 104, Authorizing the Board of Regents of the University of Texas to accept from the Federal Government the Rockport Air Force Station facility.

S. C. R. No. 107, Granting permission to Sam McCollum, III, to sue the State.

The House has concurred in Senate amendments to H. C. R. No. 69 by non-record vote.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk House of Representatives

House Concurrent Resolution 152 on
Second Reading

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 152, Suspending the Joint Rules to permit either House to consider H. B. No. 1181 at any time.

The resolution was read.

By unanimous consent the resolution was considered immediately and was adopted.

House Concurrent Resolution 151 on Second Reading

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 151, Suspending the Joint Rules to permit either House to consider H. B. No. 1182 at any time.

The resolution was read.

By unanimous consent the resolution was considered immediately and was adopted.

Motion to Place Senate Bill 418 on Second Reading

Senator Kennard asked unanimous consent to suspend the regular order of business and take up S. B. No. 418 for consideration at this time.

There was objection.

Senator Kennard then moved to suspend the regular order of business and take up S. B. No. 418 for consideration at this time.

The motion was lost by the following vote (not receiving two-thirds vote of the Members present):

Yeas—18

Bates	Moore
Cole	Patman
Colson	Reagan
Creighton	Richter
Dies	Schwartz
Harrington	Snelson
Herring	Spears
Kazen	Strong
Kennard	Watson

Nays—12

Aikin	Hightower
Blanchard	Krueger
Calhoun	Parkhouse
Crump	Ratliff
Hall	Rogers
Hardeman	Word

Absent

Hazlewood

House Bill 532 Ordered Not Printed

On motion of Senator Blanchard and by unanimous consent H. B. No. 532 was ordered not printed.

Message From the House

Hall of the House of Representatives
Austin, Texas,
May 25, 1965.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 105—Granting Industrial Gas Supply Corporation permission to sue the State of Texas.

The House has adopted the Conference Committee Report on House Bill No. 1103 by a non-record vote.

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives
(Senator Dies in the Chair).

**House Concurrent Resolution 30
On Second Reading**

The Senate resumed the consideration of the pending business, same being H. C. R. No. 30 on its second reading.

Question—Shall the amendment by Senator Kennard to H. C. R. No. 30 be adopted?

The amendment was adopted.

Record of Votes

Senators Parkhouse, Harrington, Patman and Ratliff asked to be recorded as voting "Nay" on the adoption of the amendment to H. C. R. No. 30.

Question—Shall H. C. R. No. 30 as amended be adopted?

Session For the Consideration of Local and Uncontested Bills Calendar

On motion of Senator Hall and by unanimous consent the Senate agreed to hold a session for the consideration of a Local and Uncontested Bills Calendar at 9:00 o'clock a.m. on Wednesday, May 26, 1965.

Message From the House

Hall of the House of Representatives
Austin, Texas,
May 25, 1965.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 385, A bill to be entitled "An Act establishing Permian State College and providing for its management and operation; and declaring an emergency."

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

**Senate Bill 290 Laid on the Table
Subject to Call**

On motion of Senator Rogers and by unanimous consent S. B. No. 290 was Laid on the Table Subject to Call.

Bills and Resolutions Signed

The President signed in the presence of the Senate, after the captions had been read, the following enrolled bills and resolutions:

H. B. No. 962, A bill to be entitled "An Act amending Chapter 4 of the Insurance Code, Acts, 1951, 52nd Legislature, Chapter 491, as amended, by adding a new Article 4.09, levying an annual fee upon insurers writing credit life insurance or credit accident and health insurance or both credit life insurance and credit accident and health insurance as defined in Article 3.53 of the Insurance Code; etc., and declaring an emergency."

H. B. No. 230, A bill to be entitled "An Act authorizing the commissioners court of certain counties to purchase two-way radios for county vehicles; and declaring an emergency."

H. B. No. 247, A bill to be entitled "An Act relating to the compensation of the district attorney of the 36th Judicial District; and declaring an emergency."

H. B. No. 285, A bill to be entitled "An Act relating to time allowed for filing objections to award decisions in eminent domain proceedings; amending Subdivision 6 of Article

3266 of the Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency."

H. B. No. 716, A bill to be entitled "An Act amending Section 5, Chapter 147, Acts of the 56th Legislature, Regular Session, 1959, to permit the Regents of Midwestern University to manage for endowment purposes under Section 6 of this title, or dispose of by conveyance to Midwestern University Foundation, Inc.; etc., and declaring an emergency."

H. B. No. 283, A bill to be entitled "An Act relating to archery season in Henderson, Kaufman, and Van Zandt Counties; etc., and declaring an emergency."

H. B. No. 804, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as 'Lakeside Beach Improvement District'; declaring District a governmental agency, body politic and corporate; etc., and declaring an emergency."

H. B. No. 485, A bill to be entitled "An Act relating to the salaries of the first and second assistant county attorneys in certain counties; and declaring an emergency."

H. B. No. 659, A bill to be entitled "An Act relating to permitting the Commissioners Courts of Dallam, Deaf Smith, Hartley, Moore, Oldham and Sherman Counties to pay the salary of the District Court Reporter of the 69th Judicial District of Texas; etc., and declaring an emergency."

H. B. No. 910, A bill to be entitled "An Act authorizing commissioners courts of certain counties to regulate parking in courthouse parking lots; providing a penalty for violation of parking regulations; and declaring an emergency."

H. B. No. 817, A bill to be entitled "An Act relating to the salary of the official shorthand reporter of the 21st Judicial District; and declaring an emergency."

H. B. No. 1037, A bill to be entitled "An Act relating to the regulatory authority of the Parks and Wildlife Commission over the taking of the

wildlife resources of Willacy County; and declaring an emergency."

H. B. No. 651, A bill to be entitled "An Act authorizing the commissioners court in certain counties to furnish each county commissioner an automobile for use in official business; and declaring an emergency."

H. C. R. No. 145, Suspending the Joint Rules to permit consideration of Senate Bill No. 519 by either House at any time.

H. C. R. No. 104, Suspending the Joint Rules to consider House Bill No. 1038.

H. C. R. No. 20, Requesting Texas Legislative Council to continue its study on mass transportation.

H. C. R. No. 51, Granting permission to Clyde Hendrix of Clyde, Texas, to sue the State of Texas and the State Highway Department.

H. C. R. No. 103, Suspending the Joint Rules to consider House Bill No. 1058.

H. C. R. No. 97, Directing the Board of Control to provide 13 parking spaces for tourists who visit the State Capitol Building.

H. C. R. No. 102, Suspending the Joint Rules to consider House Bill No. 1059.

H. C. R. No. 71, Granting permission to Lamar Construction Company to sue the State of Texas.

H. C. R. No. 67, Granting permission to E. L. (Shorty) Hawkins to sue the State of Texas and the Texas Highway Department.

H. C. R. No. 144, Suspending Joint Rules of both Houses in order that S. B. No. 4 may be taken up and considered at any time.

Bills Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills:

S. B. No. 465, A bill to be entitled "An Act amending Article 8276, Revised Civil Statutes of Texas, 1925, by providing that "consignee" shall

include (i) the master, (ii) the owner, (iii) the agent, (iv) the sub-agent, and (v) any person, firm or corporation who enters or clears said vessel at the collector of customs; etc., and declaring an emergency."

S. B. No. 414, A bill to be entitled "An Act relating to the taxation of national, state, and private banks; amending Article 8, Chapter IX, Texas Banking Code of 1943, as last amended; and declaring an emergency."

S. B. No. 557, A bill to be entitled "An Act permitting the commissioners courts of certain counties to use hospital operating funds for making permanent improvements to county hospitals and for paying hospital bonds; and declaring an emergency."

S. B. No. 258, A bill to be entitled "An Act making unlawful the use of certain nets and seines for catching fish and shrimp in certain defined waters of the Gulf of Mexico adjacent to Padre, Mustang, St. Joseph and Matagorda Islands; etc., and declaring an emergency."

S. B. No. 344, A bill to be entitled "An Act amending Chapter Twenty-One of the Insurance Code (Acts 1951, 52nd Legislature, Chapter 491, as amended) by adding Article 21.28, between Section 12 and Section 13, a new Section to be designated Section 12A; authorizing appropriations from funds other than assets of insurers; declaring certain State policy; providing that the Liquidator and employees may be used for other Insurance Department duties when not involved in liquidation or conservation matters; providing a severability clause; and declaring an emergency."

S. B. No. 529, A bill to be entitled "An Act relating to the salary of the Judge of the County Court at Law of Hidalgo County; amending Section 11, Chapter 25, Acts of the 52nd Legislature, 1951; and declaring an emergency."

Welcome and Congratulatory Resolutions

S. R. No. 756—By Senator Watson: Extending welcome to Gene Merrifield of Belton, et al.

S. R. No. 757—By Senator Aikin:

Extending welcome to Miss Peggy White of Austin.

S. R. No. 758—By Senators Hightower, Cole and Kennard: Extending congratulations to four Texans in the 500-mile auto race at Indianapolis Motor Speedway.

Recess

On motion of Senator Cole the Senate at 5:01 o'clock p.m. took recess until 9:00 o'clock a.m. tomorrow.

Record of Votes

Senators Krueger and Patman asked to be recorded as voting "Nay" on the motion to recess.

APPENDIX

Reports of Standing Committee

Senator Hardeman submitted the following reports:

Austin, Texas,
May 25, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 278, "An Act to amend all 23 sections of House Bill No. 262, Chapter 114, Acts of the 58th Legislature, Regular Session, approved May 3, 1963, codified as Article 1970-301f, Vernon's Annotated Civil Statutes of Texas which created the County Civil Court at Law of Bexar County, Texas; and declaring an emergency."

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 25, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 500, "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas known as 'Cardinal Meadows

Improvement District'; declaring District a governmental agency, body politic and corporate; defining the boundaries; finding the field notes and boundaries form a closure, and related matters; finding a benefit to all land and other property within the District; finding that District is created to serve a public use and benefit; conferring on District the rights, powers, privileges, authority and duties of the general laws of Texas applicable to water control and improvement districts created under Article 16, Section 59, Constitution of Texas, where not in conflict with this Act and adopting same by reference; providing for no election for confirmation; providing for no hearing for exclusions; providing for no hearing on plan of taxation and adopting ad valorem plan of taxation for the District; providing for governing body of District; providing for qualifications and bonds of directors; naming first board of directors; providing for terms and election of directors and notice of directors elections, and related matters; providing for directors to fill vacancies; providing for organization of board of directors; providing for a secretary pro tem; providing for employment of engineers, auditors, attorneys, and other employees; providing for approval of District's plans and specifications by the Texas Water Commission and inspection during construction by said Commission; providing for bonds and refunding bonds to be approved by the Attorney General of Texas and registered by the Comptroller of Public Accounts of Texas and providing for negotiability, legality, validity, obligation, incontestability of the bonds and refunding bonds; providing the power of eminent domain shall be limited to Jefferson County; providing District shall bear expenses of relocating, raising or rerouting of any highway, railroad, or utility lines or pipelines made necessary by its exercise of the power of eminent domain; providing that the Municipal Annexation Act shall have no application to this District; determining and finding the requirements of Article 16, Section 59(d) as to notice of intention to introduce this Act have been fulfilled and accomplished; providing for the selection of a depository or depositories for the District, and related matters; providing that Article 7880-75b shall be applicable to this District but requiring additional requisites prior to annexation of terri-

tory, and related matters; providing additional powers of District within and without boundaries of District but limited to Jefferson County; providing for the sale of bonds of the District and the exchange of bonds for property and for the minimum price of bonds at such sale or exchange; providing that Article 7880-77b shall not be applicable to this District, and related matters; providing that notice of all elections shall be under hand of president or secretary; providing for canvassing of election returns; providing the bonds of this District and their transfer and income therefrom and profits thereon and purchases made by District shall be tax-free in this State; providing the bonds and refunding bonds of this District shall be eligible investments; enacting other provisions related to the aforementioned subjects; providing for a severability clause; and declaring an emergency." have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 25, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 536, "An Act providing for the dissolution of Harris County Water Control and Improvement District No. 65; containing other provisions relating to the subject; providing a severability clause; and declaring an emergency."

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 25, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 77, "An Act amending Section 3, Chapter 436, Acts of the 45th Legislature, Regular Session, 1937, as amended, and adding a new Section to the Act so as to revise the list of boilers exempt from the Act or from certain Sections thereof; and declaring an emergency."

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 25, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on En-grossed and Enrolled Bills, to which was referred:

S. B. No. 465, "An Act amending Article 8276, Revised Civil Statutes of Texas, 1925, by providing that 'consignee' shall include (i) the master, (ii) the owner, (iii) the agent, (iv) the sub-agent, and (v) any person, firm or corporation who enters or clears said vessel at the collector of customs; and further providing that the pilot who serves, or offers to serve, said vessel shall be entitled to recover lawful pilot fees, in any court of competent jurisdiction, jointly and severally from any one or more of said persons, firms, or corporations; and declaring an emergency."

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 25, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on En-grossed and Enrolled Bills, to which was referred:

S. B. No. 414, "An Act relating to the taxation of national, state, and private banks; amending Article 8, Chapter IX, Texas Banking Code of 1943, as last amended; and declaring an emergency."

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 25, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on En-grossed and Enrolled Bills, to which was referred:

S. B. No. 557, "An Act, permitting the Commissioners Courts of certain counties to use hospital operating funds for making permanent improvements to county hospitals and for

paying hospital bonds; and declaring an emergency."

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 25, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on En-grossed and Enrolled Bills, to which was referred:

S. B. No. 258, "An Act, making unlawful the use of certain nets and seines for catching fish and shrimp in certain defined waters of the Gulf of Mexico adjacent to Padre and Mustang Islands in Nueces County; providing penalties for violation; providing that the Act shall be cumulative; and declaring an emergency."

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 25, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on En-grossed and Enrolled Bills, to which was referred:

S. B. No. 529, "An Act, relating to the salary of the Judge of the County Court at Law of Hidalgo County; amending Section 11, Chapter 25, Acts of the 52nd Legislature, 1951; and declaring an emergency."

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 25, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on En-grossed and Enrolled Bills, to which was referred:

S. B. No. 344, "An Act, amending Chapter 21 of the Insurance Code (Acts 1951, 52nd Legislature, Chapter 491, as amended) by adding to Article 21.28, between Section 12 and Section 13, a new Section to be designated Section 12A; authorizing appropriations from funds other than assets of insurers; declaring certain state policy; providing that the Liqui-

dator and employees may be used for other Insurance Department duties when not involved in liquidation or conservation matters; providing a severability clause; and declaring an emergency.

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Sent to the Governor

May 25, 1965

S. B. No. 214
S. B. No. 333
S. B. No. 395
S. B. No. 520
S. B. No. 566
S. B. No. 453
S. B. No. 444
S. B. No. 501
S. B. No. 430
S. B. No. 554
S. B. No. 77
S. B. No. 278
S. B. No. 500
S. B. No. 536

SIXTY-NINTH DAY

(Continued)

(Wednesday, May 26, 1965)

After Recess

The Senate met at 9:00 o'clock a.m. and was called to order by the President.

Presentation of Portrait of President Johnson

On motion of Senator Hardeman and by unanimous consent, the time for the presentation of the Portrait of the President pursuant to the provisions of S. R. No. 504 was reset for Friday morning, May 28, 1965, at 9:00 o'clock a.m.

Meeting of Committee on Nominations

On motion of Senator Krueger and by unanimous consent, the Committee on Nominations was granted permission to meet while the Senate was in Session.

(Senator Blanchard in the Chair.)

Local and Uncontested Bills Session

The Presiding Officer (Senator Blanchard in the Chair) announced that the time had arrived for the consideration of the Local and Uncontested Bills Calendar in accordance with a motion previously adopted by the Senate.

House Bill 968 Removed From Local and Uncontested Bills Calendar

On motion of Senator Cole and with three seconds, H. B. No. 968 was removed from the Local and Uncontested Bills Calendar.

Senate Bill 585 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 585, A bill to be entitled "An Act authorizing the Harlingen Trade Zone, Inc., to establish, operate and maintain a foreign trade zone adjacent to Harlingen, Cameron County, Texas, and other sub-zones; etc., and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 585 on Third Reading

Senator Bates moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 585 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Kennard
Bates	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word
Kazen	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.